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October 22, 1971

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Recommended Citation

University of Michigan Law School, "October 22, 1971" (1971). *Res Gestae*. Paper 719.
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OCT 25 1971

RES GESTAE
UNIV. OF MICH.

"The appearance in our courts of these learned gentlemen of the law who can make black appear white and white appear black, is forbidden."

-- Decree of the Governing Council, State of Andorra (1864)

Ann Arbor, Michigan

"Exhaust All Legal Remedies"

October 22, 1971

ups 'n downs

Faculty Profile from NYU's Commentator

By Charles Bird

"Among the most recent additions to the Law School faculty is Assistant Professor Linda Silberman. Lured from private practice by an unsolicited NYU offer to teach civil procedure, conflicts, and federal courts, Silberman now appears intensely involved with the academic experience.

* * *

"Silberman completed her B.A. program at the University of Michigan in three years, majoring in English, drama, and art history. She planned on taking her fourth year in London in furtherance of a life-long ambition to visit England. But, during her final undergraduate summer, she chanced to sit in on a Michigan law class and discovered that she was amused by it. 'The dynamics of the classroom really intrigued me.' Soon, third year students were borrowing her notes.

"Subsequently, after actually becoming a law student, Silberman served as Note and Comment editor of the Michigan Law Review. For three years, she worked under Professor Arthur Miller, the author of Assault on Privacy, a recent volume dealing with the impact of computers on the individual. During the summer following her

[Editor's Note: If you're thinking of giving up the madness of law school, or if you're not, the following letter, which was passed on to the R.G. by Bob Kass, may be of interest.]

Dear Bob,

To think by now that I could also be in the final days of Law School produces Pangs of unnameable, unmentionable sorts. Instead, here I plod through the maze of LSE - London School for Eccentrics: "I do not tolerate questions during office hours, Lectures or at Any other time; I am busy writing a book and cannot be bothered." Direct Quote.

London is bleak, dreary, New York with English accents; full of People who either stare or attempt to be overly-friendly -- and all of them seem to be addicted to that worm faced Queen.

The residence is run by a Lay-order of fascists from Spain. The service includes very little heat, no hot water and food condemned by the Board of Health. The entire situation is quite intolerable and if it weren't for the fact that I have no place else to go or return to, I don't think I could make it past Christmas.

Cont. pg. 7

WHAT'S COMING DOWN IN THE COURTS

(1) The Eighth Circuit has held that the Equal Protection Clause prohibits a hiring practice which prefers minority applicants over white applicants. Such a practice was adopted in Minneapolis after its Human Relations Committee had found that the City had discriminated against minorities in the past. The Court stated, "The fact that some unknown and unnamed white person in the distant past may, by reason of past racial discrimination in which the present (white) applicant in no way participated, have received preference over some unidentified min- person with higher qualifications is no justification for discriminating against the present better qualified (white) applicant on the basis of race. Carter v. Gallagher 40 L.W. 2174.

(2) A school board has an affirmative constitutional duty to achieve a unitary school district within the boundaries of the school system. (Surely this is the lesson of Brown v. Board, etc.) The Fifth Circuit has given this mandate a broad interpretation by holding that it requires a school board to make a reasonable investigation of prospective purchases of old school property. Such an investigation is required, said the Court, to insure that old school property is not purchased by the persons who intend to establish an all white private school as a response to court ordered integration.

(3) A city ordinance which prohibits firemen from participating in politics to the extent of prohibiting display of bumper stickers, ostensibly for the purpose of protecting firemen from political pressure, has been found unconstitutional by the Fifth Circuit Court of Appeals. In reaching this decision, the Court said, "Since public employees make up an ever-increasing portion of the work force, a blanket prohibition upon political activity, not precisely confined to remedy specific evils, would deal a serious blow to the effective functioning of our democracy. Hobbs v. Thompson 40 L.W. 2172.

cont. from p.1 - SILBERMAN -

first year, Silberman wrote the join- der of parties chapter in Miller's civil procedure text. Miller also persuaded her to give class lectures covering the same material.

"In speculating about the NYU job offer, Silberman asserted that 'Art Miller probably dropped my name about . . . I was contacted by a number of schools.' She cited a nationally in- creasing demand for women law instruct- ors. 'I'm not sure NYU wouldn't like to hire other women.' Nevertheless, 'I prefer to believe that I was hired because they needed someone to teach civil procedure and conflicts and they thought I was the best person for the job -- not because I was a woman.'

* * *

"The 'first girl hired' by her firm and 'one of eight women students in a class of about 400,' Silberman in- sisted that 'I don't make distinctions any more . . . women I like to be with are basically no different from the men I like to work with and around.' Herself unmarried, she explained that she had little in common with many married women since 'I'm not into furniture and children, which are all right things to be into, but I'm just not into that.'

* * *

"Describing herself as having 'a very academic and intellectual view of law,' Silberman revealed that 'I'm not very active in the women's liberation move- ment -- for my own personal reasons; I prefer to devote my time to teaching and writing . . . Probably a lot of women will be disappointed,' although 'I don't suggest that I'm against it at all.'"

[Editor's Note: Members of Arthur Miller's Civil Procedure class who were subjected to Miss Silberman's machine gun fire may consider Mich- igan's losing her a mixed blessing.]

Children's Hour



The taut drama unfolds each evening. At about seven the trickle of undergraduate females turns into a stream and soon virtually every place in the Law Library is filled. Let the games commence.

If you look up often from your case-books these fall nights, you may see many unfamiliar faces in the main reading room. They are usually pert, attractive, meticulously made-up faces and ever so young. It's a select spillover from the UGLI, come to wash the arid quarters of the law.

The preliminaries follow a set ritual as old as Cook Quadrangle. First she perches at the head of the Library's inside steps, eyeing the empty chairs for one which offers an unobstructed view. Usually, this means on an aisle, not too deep in, and facing the center. Even an unobtrusive saunter to the chosen spot puts the less conscientious law students on notice that they will not spend the evening unperturbed. Standing now at her chair, surveying idly the shelves, she allows more studied inspection. Finally seated, she waits, pretending to read.

For an interested law student, the etiquette of first meetings offers numerous alternatives. Like one: suppose she is seated by the SW2d reporters. You hustle over to those shelves, MR Court Room Pad in hand, and pull down a volume. Poring over an Oklahoma acquiesced-in line fence dispute may not sound intriguing, but it's important to seem intent. Some page riffling, then concerted reading (possibly with head in hand) adds to the effect. Finally, you look up, lost in thought, and what should rivet your attention but this nubile jewel.

Striking up a conversation is no problem. Say she's reading an economics textbook. The barest pretext will suffice.

"Excuse me, but are you reading Samuelson there?"

"Yeah, it's probably better than Lipsey and Steiner."

"Say, Steiner's on the law faculty here. I had him for a seminar last term."

"Oh really. What's he like? I want to take his graduate macro-economics course next semester."

"Well, he's a very complex guy. Uh, got a minute? Maybe I could tell you over a cup of coffee at Dominick's."

Euphemistically enough, this is known as a "study break."

Actually undergraduates have good cause to come over to the Library. The UGLI probably is over-crowded and especially turbulent at peak hours. The Law Library, on the other hand, was perhaps best described in the words of Jennifer Gingersnap, a sophomore Polyphony major from Birmingham, "The place is like a cathedral with these high ceilings; it makes me feel kinda religious to sit in there."

The invasion is appreciated by many law students as well. Art Lesclowan, a third-year man, headed for a clerkship under Judge Carsworth, J.P. in Macon County, Georgia (rumored to be under consideration by President Nixon for the High Bench) gave this observation: "These girls are already subjected to a process of natural selection. They won't bother to trek over here unless they mean business. It beats computer dating by a long shot."

All in all it appears to be an excellent way to get acquainted. Has anyone found a place to study?

-- J.J.S.

Letter

PRIVACY IN THE PLACEMENT OFFICE

Editors, Res Gestae:

In view of the many student comments I have received supporting my letter on placement office policies I would like to reiterate and expand on some of the comments I made about the confidential data files maintained for employer use by the student placement office.

Characterizing present policies I would say that a student has essentially no control over his personal file. He may not touch it nor may he look in it. If a grasshopper inadvertently flies into your file he will remain there forever. A wad of Bazooka bubble-gum deposited in the middle of your permanent data file by a fat gum-chewing partner from a South Bend firm will remain there for all eternity.

Without prior permission a student's transcript is stapled prominently to the front page of his file. A student wishing to protect his privacy must 1) be aware of the existence of the placement office secret file and 2) write a letter requesting that his transcript be removed. This letter will then replace the transcript in his file. The burden of affirmative action is on the person wishing to protect his right of privacy. The ominous possibilities of proliferation of files of this type would require the individual to search out multiple files, find out their contents, and attempt to remove undesired material.

As for the value of confidential references, my conversations with university placement officials and knowledge that professors possess their full share of human weaknesses lead me to conclude that a student would be well advised not to make use of a reference from a professor who wants to keep the letter confidential whether for honest reasons or other kinds of reasons. An erroneous faculty evaluation based on error or faulty impression could be damaging to a

student's career. An erroneous impression which might easily be refuted by a student will not be brought to his attention due to the secret nature of the reference.

Dr. Everett Ardis, Director of Career Planning and Placement which registers about 7500 job-seeking students and 5000 alumni each year, says that he does not believe that confidential references are considered to be of any greater value by employers than open references which the student has seen. My experiences in industry have convinced me that this is true, open references are well-received. I will again point out that neither the Engineering College nor the School of Business Administration uses confidential references in their placement offices. It seems to me that secret references are not in the student interest.

In fact, the files are maintained for the convenience of the faculty and interviewing firms. The present set-up of the placement office files was determined about three years ago by a faculty committee, according to Ann Ransford, Supervisor of the Law School Placement Office. She says, "I am not certain of the reasons [for the confidentiality] because the faculty determined it not I."

One of the many reactions I have received comes from Jim Barnes, L '73, who says he is "opposed to secret files and faculty control of the student placement office." Student privacy and student rights are at issue here. Students working with administrators should set policy in this matter. Prof. Arthur R. Miller speaks to this issue in "Assult on Privacy" at 113:

"Many administrators and faculties remain insensitive to the privacy implications . . . and the vulnerability of information collected within the academic community . . . In many schools . . . recruiters are given access to student files without . . . any awareness that the file subjects might object."

Cont. pg. 5

cont. from p.4

A law student commenting on placement office files says, "Miller had an appropriate setting for writing his book."

Faculty interests and employer interests should be placed far below the student interest in the placement office. Dr. Ardis of CPP says his office exists primarily as a service to students, benefits to other groups on or off campus are strictly secondary or tertiary.

Faculty and employer machinations in our student placement office should be reduced to a minimum. All members of the university governance troika; students, faculty, administration; do not pull equal loads here. Placement policies are an affair between students and administrators in the same manner as faculty promotions and raises are primarily a matter for faculty and administration resolution with less than equal student voice in those decisions.

Likewise, employers' interests in probing into a student's file drawers should not be controlling. As Ken Siegel, L '72, says "maintenance of these employer files subordinates the student's dignity and right of privacy to the interests of the law firms."

Of course firms want to learn all they can about a prospective employee. But the student should have a freedom of choice as to what material he wishes to present to an interviewing firm. The student should also be able to choose the time and manner of his credential presentation. If a student wishes to present a transcript to a prospective employer along with his resume that is fine. I do not wish to restrain any person from presenting any material concerning himself to anyone of his choosing.

What is advocated here is abolishment of secret files for the convenience of employers and faculty. The open file (called the temporary file) which contains copies of resumes is a service to the student. It saves him the bother of carrying around copies of

material that he wishes to present to a prospective employer. Maintenance of the open file certainly should continue.

In summary I think students and administrators should determine placement office and other student record-keeping policies. Since it is difficult to conceive of a student wishing anyone to maintain files on him which he may not see, I advocate a placement office procedural change (abolishment of secret files) which will return control of a student's file to him. As Miller says in "Assault on Privacy" at 25:

"When an individual is deprived of control of the spigot that governs the flow of information pertaining to him, in some measure he becomes subservient to those people and institutions that are able to manipulate it."

We learn enough of subservience in the classroom, let's remove it from the placement office.

Brian I. Brown
October 18, 1971



Critique

In Re: Course Evaluation

To the Editor:

Last week the Michigan Law Critique was reviewed by Res Gestae. I can only thank the reviewer for bringing to the students' attention that there are forty copies of this publication on reserve at the Library desk. In this space I do not intend to argue the inaccuracy of many of the reviewer's perceptions and accusations, I would rather present the background and the current status of the Michigan Law Critique to everyone.

The Law School Student Senate, in response to student sentiments, sponsored the first extensive course survey here last term (Winter 1971). Our intention was to establish the Michigan Law Critique as an ongoing student publication 1) to increase emphasis on the quality of the classroom learning experience and 2) to provide assistance to students in selecting courses. From the outset we were aware of the limitations of the U - M questionnaire that was available, especially its objective format, so we attempted to stress the importance of the open-ended subjective questions on the reverse side. Since the survey was a new experience within the halls of this law school, we unfortunately found the majority of subjective comments to be succinct. So in our publication we've urged readers to keep in mind that the written evaluations only represented the opinions of those students who answered the subjective questions. Nevertheless, the evaluations are valuable insofar as they suggest the general tone of the class and encourage professors to improve their courses.

So where does the Michigan Law Critique stand now? Last term, it was only through the determined efforts of the members of the student senate that the Michigan Law Critique became a reality and set the precedent for future efforts in this area. We are

now in the planning stage for this Fall's projected survey of courses. This operation entails redrafting the questionnaire, implementing the survey, and gathering a staff to prepare the written evaluations. We obviously need and are soliciting student assistance to continue and improve the course survey. The ground has been already broken but we need your help to maintain the Michigan Law Critique and reach our goals.

Take a look at our initial offering at the Library desk. Then decide whether you'd like the Michigan Law Critique to continue and improve. Please contact any member of the Student Senate if you're willing to help us.

/s/ Fred Pinckney
Editor

Michigan Law Critique

JOB Opening in the University Attorney's Office

The General Counsel for the University, Mr. Daane, has just announced an opening for an attorney. The job requires a minimum of two to three years of experience and some background in litigation. One half to two thirds of the work is handling malpractice suits for the medical center. The balance of the job will be working on general legal problems of the University.

Mr. Daane is interested in receiving applications from women and minority group members especially. If you know of a person who might be interested in the position please ask them to apply at Mr. Daane's office in the Administration Building.

Women Law Students

To the Editor:

Thanks to those members of the administration who expressed their concern over the problems brought about by the locking of the john in Room 234 HH, there is now a sign on the door which says "Please Keep This Door Unlocked." The door remains locked.

Hampstead, though, is quite a nice area and the little town of West Hamp. is really charming, with little shops that go straight up and down. So I spend a lot of time walking and very little reading up to now, which is alright because I don't know what my Program is yet, since my Supervisor has not been available to tell me and he's the only one who knows. I'm on sort of a holiday from reality -- no job, no school to speak of, no responsibility and I am enjoying it a little. I think I would like to just take what money I have left and travel about until it runs out or I do. At least the prospect of adventure sounds interesting and I am so bored I can't even write good letters any more. I think Also I'm more than a bit afraid -- don't seem to fit anyplace and am tired of trying.

* * *

/s/ Brian

LAW FIRMS OF THE WEEK

Pale and Wan. London, Paris, New York, and Ishpeming. Founded 1902 by Fredricke Pale and Jean Baptiste de Wan. Specialists in International Law and law of undeveloped areas.

Null and Void. Negate, Kansas. Founded in 1965 by two retired trial judges, Norman (NO!) Null and Victor (Vacatem) Void.

Dark, Dank,& Dismal. Blaspheme, Idaho. Founded in 1931 by John Dark, James Dank, and Jack Dismal. Representative clients: American Undertakers Association, and Cemetery Owners of America.

To the Res Gestae:

ALL SENIORS, GRADUATE, AND FOREIGN STUDENTS WHO HAVE NOT HAD THEIR YEARBOOK PICTURES TAKEN:

In order to have your picture appear in the 1972 Codicil you must present the editor of the yearbook with a very good quality, glossy, portrait-

type picture, of the usual portrait size. Standards of acceptability are completely within the editor's discretion (I have no intention of reproducing the quality of the Freshman Picturebook), especially since you were already presented the opportunity to have a picture taken free of charge. Have your pictures ready to present to the Codicil on November 15, when all such will be accepted for consideration. None will be considered afterwards!

R. Mason

Letter:

"Big Sister Is Watching Award" -- When the NY Times ran a story late last week on the six prospective S. Crt. nominees, it included, on an inside page biographies of all six. Incredibly, its closing comment on one of the women nominated was a reference to her body and her "girl-ish figure" (or some such absurdity as that). Now, admittedly, the way Nixon picks S. Crt. nominees, that may be a relevant factor, nonetheless the Times' story was patently offensive, even to me, and I'm a giant chauvinist pig.

Anonymous

ELS

If you would like to help de-sign the state of Michigan (legally, that is), the ELS could use some help in its fight to stop the proliferation of billboards. For information on what is happening or not happening in the state legislature please stop in at Room 112 in the Library.



GRIDDIE GOODIES

It first hit me on Sunday afternoon during the final game of the World Series. There were two out in the ninth inning and the batter hit a ground ball to first . . . It was at that very moment that I realized that God grows green apples (little ones no less), that it rains in Indianapolis and that it must have snowed in Minneapolis sometime this summer. In addition, or more precisely-concurrently- I realized that by missing only two picks, Wendy Wilner had become the first GRIDDIE GOODIE GIRL of the WEEK. Upon closer examination, I also discovered that Harvey Fruitkin, who missed only three picks, was deserving of honorable mention because he used green ink as per my directions. When asked to comment on Wendy's precedent-setting feat, Harvey replied "B. F. D." -- which I later learned did not stand for "Brighton Fire Department" I guess Harv would have liked to come in first.

Well, I for one was impressed and pleased. As a reward for winning Wendy, you are invited to dine in the elegance and comfort of MAISON de DOMINIC -- located across the street from the spacious Law School parking lot. Once inside the plushly decorated main dinning area, you will be our guest to the specialty of the house (er . . . Maison), Fresh Italian cheese and delicious Italian Salami slices warmed to perfection (in the office of the Sec'y of State, where else do you get perfection) between the halves of a freshly baked Italian bun. If the chef seems to be a bit confused when you place this order, ask him for a "sub -- easy on the grease".

As I promised, the winner of the GGGotWA two weeks ago was Don Davis (you get the same crap as Wendy).

One final note, Mike Garcia has asked me to put his name in print but due to my high journalistic standards I had to refuse.

Good Luck!

Houston + 30	at	<u>Alabama</u>	Duke	at	Navy
Virginia	at	<u>Army</u>	<u>Nebraska</u>	at	Okla. St. + 40
Missouri + 35	at	<u>Colorado</u>	Wake Forest	at	<u>N. Carolina</u>
<u>Florida</u>	at	Maryland + 20	Southern Cal. + 20	at	<u>Notre Dame</u>
<u>Purdue</u>	at	Ill. + 20	Wisconsin	at	<u>Ohio St.</u>
<u>Northwestern</u>	at	Indiana + 10	Washington St. + 25	at	<u>Stanford</u>
Iowa	at	<u>Michigan State</u>	Oregon State	at	<u>Washington</u>
MICHIGAN	at	Minn. + 30			

Tie Breaker: Score

Washington Redskins _____

Kansas City Chiefs _____

-- Limpy